

EXECUTIVE ORDER NO. 10-03

WHEREAS, under chapter 89C of the Hawaii Revised Statutes, the Governor has been granted the authority to make adjustments to the wages, hours, benefits and other terms and conditions of employment for elected and appointed officials and excluded public officers and employees in the executive branch; and

WHEREAS, for excluded employees who are civil service employees under the same classification systems as employees within collective bargaining units, chapter 89C requires that the adjustments be "not less than" those provided under the collective bargaining agreements for employees hired on a comparable basis; and

WHEREAS, chapter 89C also requires that the adjustments for excluded civil service employees result in compensation and benefit packages that are "at least equal to" the compensation and benefit packages provided under collective bargaining agreements for counterparts and subordinates within the Employer's jurisdiction; and

WHEREAS, chapter 89C provides that each appropriate authority shall determine the adjustments that are relevant for their respective excluded employees who are exempt from civil service in consideration of the compensation and benefit packages provided for other employees in comparable agencies; and

WHEREAS, the State of Hawaii, the Hawaii State Judiciary, the Hawaii Health Systems Corporation, the City and County of Honolulu, and the Counties of Hawaii, Maui and Kauai have entered into a memorandum of agreement with the United Public Workers, AFSCME Local 646, AFL-CIO, that allows the Employer to furlough its Bargaining Unit ("BU") 1 employees from zero (0) up to thirteen (13) days for the period

January 1, 2010 through June 30, 2010, and from zero (0) up to twenty-four (24) days for the period July 1, 2010 through June 30, 2011; and

WHEREAS, the furloughs should also apply to civil service and exempt employees within the Executive Branch who are excluded from BU 1.

NOW, THEREFORE, I, Linda Lingle, Governor of Hawaii, pursuant to my executive authority, under articles V and VII of the Constitution of the State of Hawaii, the provisions of chapters 37 and 89C of the Hawaii Revised Statutes, and all other applicable authority, do hereby order the furlough of all State Executive Branch civil service and exempt employees, who are excluded from BU 1, except for those specified below, of thirteen (13) days for the period January 1, 2010 through June 30, 2010, and twenty-four (24) days for the period July 1, 2010 through June 30, 2011.

IT IS FURTHER ORDERED that the furloughs specified above shall not apply to: (1) those executive branch employees employed by the Department of Education, the University of Hawaii, the Hawaii Health Systems Corporation, the Research Corporation of the University of Hawaii, the Hawaii State Public Library System, or the State of Hawaii charter schools; (2) those executive branch employees whose furloughs by me are prohibited by federal law, if any, who will be later explicitly identified; (3) those executive branch employees whose furloughs by me are prohibited by state law, if any, who will be later explicitly identified; and (4) those executive branch employees who I later determine should not be furloughed, should have furloughs of less than the amount described herein, or should not be furloughed during certain periods - - all in accordance with the terms and conditions set forth in the aforementioned BU 1 Memorandum of Agreement;


IT IS FURTHER ORDERED that the Director of Human Resources Development shall be responsible for the uniform administration of these adjustments and is authorized to make any interpretations concerning the applicability of these adjustments to all State officers and employees of the State government executive branch who are excluded from collective bargaining; and

IT IS FURTHER ORDERED that this Executive Order is not intended to create, and does not create, any rights or benefits, whether substantive or procedural, or enforceable at law or in equity, against the State of Hawaii or its agencies, departments, entities, officers, employees, or any other person; and

IT IS FURTHER ORDERED that these provisions are subject to amendment by Executive Order.


DONE at the State Capitol, Honolulu

State of Hawaii, this 29th day of
March, 2010.


LINDA LINGLE
Governor of Hawaii



APPROVED AS TO FORM:


MARK J. BENNETT
Attorney General